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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MARYLYN ALEXANDER and
CATHERINE ALEXANDER

Plaintiffs

v.

WINN & SIMS, a professional corporation;
BRIAN WINN, an individual; CAPITAL
ONE, a corporation; and DOES 1 through 10
inclusive,

Defendants

Civil Case No.: C06-04382 MMC

**PLAINTIFF'S *EX PARTE*
APPLICATION AND PROPOSED
ORDER TO CONTINUE CASE
MANAGEMENT DATES; ORDER
THEREON**

Plaintiff hereby applies to this court *ex parte* to continue the Case Management Dates in the above-entitled case. The complaint in this action was filed on July 18, 2006 against Defendants WINN & SIMS and BRIAN WINN. On October 10, 2006, an amended complaint was filed and added CAPITAL ONE as a defendant.

The claims against Defendants WINN & SIMS and BRIAN WINN have been settled. An amended summons was issued for Defendant CAPITAL ONE. The amended summons was served recently on CAPITAL ONE. However, Defendant CAPITAL ONE is yet to answer.

1 Thus, it would be premature to conduct a Case Management Conference before the only existing
2 Defendant has appeared.

3 Plaintiff, therefore, requests that the Case Management Dates be continued approximately two
4 months. Plaintiff requests the following dates:

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6 **February 9, 2007** – last day to meet and confer re: initial disclosures, early settlement, ADR process
7 selection, and discovery plan; file ADR Certification signed by Parties and Counsel; and file either
8 stipulation to ADR Process or Notice of Need for ADR Phone conference

9 **February 23, 2007** – last day to complete initial disclosures or state objection in Rule 26(f) Report,
10 file Case Management Statement, and file Rule 26(f) Report

11 **March 9, 2007** – Initial Case Management Conference (CMC) in Courtroom 7, 19th Floor at
12 10:30 a.m.

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14 Dated 12/15/2006

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16 /s/
17 Eric F. Fagan, Attorney for Plaintiff
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ORDER

IT IS HEREBY ORDERED that the Case Management Dates in the above-entitled case be continued to the following days and times:

February 9, 2007 – last day to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; file ADR Certification signed by Parties and Counsel; and file either stipulation to ADR Process or Notice of Need for ADR Phone conference

February 23, 2007 – last day to complete initial disclosures or state objection in Rule 26(f) Report, file Case Management Statement, and file Rule 26(f) Report

March 9, 2007 – Initial Case Management Conference (CMC) in Courtroom 7, 19th Floor at 10:30 a.m.

Dated: December 18, 2006


UNITED STATES DISTRICT JUDGE